

HB 5260

BEFORE THE MEMBERS OF THE JOINT LABOR & PUBLIC EMPLOYEES COMMITTEE

Testimony submitted by Natalicia Tracy, former homemaker and Personal Care Attendant, and  
Executive Director of the Brazilian Worker Center, Bridgeport, Connecticut

February 25, 2016

**Please OPPOSE House Bill 5260 – AAC Domestic Service and Overtime Pay**

Good Afternoon Chairmen Senator Gomes and Representative Tercyak, and members of the Joint Labor and Public Employees Committee. My name is Natalicia Tracy. I am a Sociology PhD Candidate at Boston University and the Executive Director of the Brazilian Worker Center in Bridgeport. In my life I have worked many years as a nanny, a homemaker, and a personal care attendant for seniors and people with disabilities. I am here today to ask you to oppose Bill H.5260. This bill is bad for workers, and it is a step backward for Connecticut. House Bill 5260 proposes to make the domestic work industry even further deregulated – at a time when Connecticut and our nation overall have begun to move toward long-needed regulation and the recognition that domestic workers merit some the same basic labor rights that have long been enjoyed by other workers.

The HB 5260 proposal would deny workers protection under the general “off duty<sup>1</sup>, waiting time<sup>2</sup> and on duty<sup>3</sup>” provisions of the Fair Labor standards Act (FLSA), which provides broader definitions that extend greater worker protection.

When I worked as PCA, I assisted many senior citizens with their daily needs, from companion services in helping them to bathe, with eating, and with using the bathroom, always supervising them to

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<sup>1</sup> At 29 CFR 785.16- Off Duty

<sup>2</sup> At 29 CFR 785.14- Waiting Time

<sup>3</sup> AT 29 CFR 785.16- On Duty

take their medications on time and at the appropriate intervals. I was there for them day and night. One person, Mrs. Murphy, had seizures, and couldn't move in and out her wheelchair by herself and had to be repositioned in her bed every two hours, around the clock. Another dear lady had Alzheimer's. On first encountering her, she seemed fine, but without any warning she would suddenly begin to relive her past when she was young and had a job, and would totally lose sense of reality. I stayed with her from Friday 7pm until Sunday 3pm, 44 hours straight. At night I had prop chairs behind the front door with metal bars on top just in case she would wake and try to leave the house in the middle of the night. I slept sitting up on her sofa, ready to rise, with ears cocked toward any unusual sound from her. I was on duty even when I was dozing. After all, the family had hired me to be there, and to stay there, because she could not be left alone.

I did this job for more than 10 years and I know that the proposed bill is designed to put profit before workers, and even before consumer and client safety: the law explicitly states that a worker is free to leave the house in the middle of a shift, which would leave senior citizen clients unattended. This is irresponsible and negligent – all in the name of saving money on the worker's back, by denying her fair pay. In many cases, for many reasons, it is not realistic that workers could consider themselves off duty and be free to leave the premises. It would be the same if we were to ask police officers to sign employment contracts that they would get paid only when they are on an active call, and all their other time – being watchful and sitting in the cruiser for example – they would be considered off duty. It would be as unrealistic as telling a fireman that he shouldn't get paid for the time he is staying inside the fire station waiting for an alarm, and that during this off duty time he would technically be free to leave the premises, and take care of personal tasks like doing laundry, caring for his children, or cooking a meal for his family. This obviously isn't realistic!

On behalf of all domestic workers – *hardworking, caring people who by every measure are low-wage workers, and who are undervalued every day* – I ask you to please oppose HB 5260. This bill will set back domestic workers' basic labor rights even further, right at a time when we have just begun to

make progress in correcting their unfair and discriminatory exclusion from the Fair Labor Standards Act. Let's not forget that in the 1930s, that exclusion was directed at these workers initially because they were mostly minority and immigrant women. They still are. It's turning back the clock, and not fair in 2016 either to take away even more of their limited rights. HB 5260 would do that.

Thank you.